

REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 4-5, 7-8, 10, 21, 24-25, 27-28, 30 and 46-50 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0044751 (Pugliese), in view of U.S. Patent Application Publication No. 2001/0027481 (Whyel) and further in view of U.S. Patent No. 6,798,753 (Doganata) and further in view of U.S. Patent No. 6,076,093 (Pickering). Applicant respectfully disagrees.

There is no proper motivation to combine the references

The Examiner admitted that Pugliese is limited to instantaneous live advice communications between an online shopper and a live salesperson. The Examiner suggested that during a peak time when shoppers outnumber the live agents, the shoppers would have long wait times and thus defeating the Pugliese's original intent of preventing a buyer terminating an online purchase. Therefore, the Examiner suggests that one would modify the system of Pugliese to allow shoppers to schedule an appointment in advance to avoid long wait times. Applicant respectfully disagrees.

In Pugliese, the purpose of the shoppers to visit the shoplive mall of Pugliese is shopping, not having live communications with live salesperson. The shopper would not schedule his or her shopping experience based on an advance appointment with a salesperson. At the time the shopper needs assistance but no live salesperson is available, the shopper is likely to terminate the online purchase. The suggestion of an advance appointment would defeat the primary purpose of shoppers of the Pugliese system and would not help the purpose of avoiding abandonment of an online transaction. Thus, a person skilled in the art would not require an advanced appointment in Pugliese in a way suggested in the Office Action.

Furthermore, as the Examiner has noticed, Pugliese discloses the videoconference scenario for ShopLive where “the application provides the ability for a group of viewers to view the same video broadcast (live) from a ShopLive merchant or from the ShopLive Assistant” (Paragraph [0141], Pugliese). Thus, during the peak time, multiple customers can be connected to the same live agent for a videoconference to engage the customers to prevent abandonment of online transactions. Therefore, an ordinary person skilled in the art would not be motivated to make the modification of advance appointments suggested in the Office Action.

Furthermore, in Pugliese the shopper is connected to the next available live agent, which would be a standard and effective practice in Pugliese’s field. There is no need to display a list of live agents. Thus, a person skilled in the art would not modify the system of Pugliese to include the display of a list of live agents, which would impose unwanted choices on the shopper and render the system unfriendly to users. The suggested advantage of enabling “a real-time, interactive directory system adapted to find, access, and user status information” according to (Col. 2, lines 5-15, Pickering) would be an unnecessary and unwelcomed feature in Pugliese.

Thus, the combination of the references suggested in the Office Action is merely a combination composed based on the claims of the present application. There is no proper motivation to combine the references in a way to have all the features of Applicant’s pending claims. Therefore the rejection under 35 U.S.C. §103(a) is improper.

The references do not disclose all features

Furthermore, the pending claims are amended to recite:

“the data processing system monitoring time spent on the live advice; and
the data processing system billing the service seeker on behalf of the selected
service provider based on the time spent on the live advice.” (See, e.g.,
claims 1 and 21)

The combination suggested in the Office Action would not have this feature recited in the pending claims. In Pugliese, the primary purpose of the Pugliese system is online shopping in the shoplive mall; and the live agents are provided to avoid abandonment of an online transaction. The customers of the Pugliese system would not pay for

communicating with the live agents based on the duration of the conversation with the live agents.

Thus, at least for the above reasons, the pending claims are patentable over the cited references.

CONCLUSION

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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